

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAMS SCALES,

Plaintiff,

-against-

JOHN DOE POLICE OFFICERS, 23RD
PRECINCT, NEW YORK POLICE
DEPARTMENT, THE STATE OF NEW YORK,
and OFFICE OF CORPORATION COUNSEL
FOR THE CITY OF NEW YORK,

Defendants.

23 Civ. 9116 (DEH) (GS)

ORDER

GARY STEIN, United States Magistrate Judge:

In compliance with the Court’s April 4, 2025 Order (Dkt. No. 21), Plaintiff, proceeding *pro se*, filed his Third Amended Complaint (“TAC”) on May 5, 2025. (Dkt. No. 22). Plaintiff now names three Defendants: (1) The City of New York; (2) Officer Debora Matias, and (3) Officer Thomas Palmato. Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants the City of New York, Officer Debora Matias, and Officer Thomas Palmato through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

form") for these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.²

If the Third Amended Complaint (Dkt. No. 22) is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue a summons for Defendants City of New York, Officer Debora Matias, and Officer Thomas Palmato; complete the USM-285 form with the address for each of these defendants; and deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: New York, New York
May 8, 2025



GARY STEIN
United States Magistrate Judge

² To the extent that Plaintiff's TAC is interpreted to name the NYPD as a Defendant, the Court does not authorize service upon the NYPD or the FDNY because "the NYPD and the FDNY are not suable entities." *Burke v. Verizon Commun's, Inc.*, No. 18 Civ. 4496 (PGG), 2019 WL 13146782, at *8 (S.D.N.Y. Mar. 29, 2019); *see N.Y. City Charter ch. 17, § 396* ("[A]ll actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of New York and not in that of any agency, except where otherwise permitted by law.").

SERVICE ADDRESSES OF DEFENDANTS

1. City of New York
100 Church Street,
New York, NY 10007
2. Officer Debora Matias
Shield No. 8448, NYPD Strategic Response Group
533 West 57th Street,
New York, NY 10019
3. Officer Thomas Palmato
Shield No. 442, NYPD Strategic Response Group
533 West 57th Street,
New York, NY 10019

SERVICE ADDRESS FOR EACH DEFENDANT

1. City of New York
100 Church Street
New York, NY 10007
2. Officer Daniel Silverio
33rd Precinct
2207 Amsterdam Avenue
New York, NY 10032
3. Officer Brian Dobbins
33rd Precinct
2207 Amsterdam Avenue
New York, NY 10032
4. Officer Warren Ritter
33rd Precinct
2207 Amsterdam Avenue
New York, NY 10032
5. New York Presbyterian
525 E. 68th Street
New York, NY 10065